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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emission Standards into Procurement Policies.

Rulemaking 06-04-009
(Filed April 13, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON SAN DIEGO GAS AND ELECTRIC COMPANY'S
MOTIONS TO FILE DATA UNDER SEAL**

Summary

This ruling addresses the October 30, 2006 motion filed by San Diego Gas and Electric Company (SDG&E) for confidential treatment of data related to the Greenhouse Gas (GHG) rulemaking. No party opposes the motion.

SDG&E's motion seeks confidential protection for a portion of its response to the Commission's October 17, 2006 data request (Data Request). SDG&E does so in accordance with Decision (D.) 06-06-066 (issued in the Commission's "Confidentiality OIR" proceeding, R.05-06-040). That decision requires that an investor owned utility (IOU) seeking confidentiality protection prove five grounds for such protection:

1. That the material it is submitting constitutes a particular type of data listed in the Matrix, appended as Appendix 1 to D.06-06-066,¹
2. Which category or categories in the Matrix the data correspond to,
3. That it is complying with the limitations on confidentiality specified in the Matrix for that type of data,
4. That the information is not already public, and
5. That the data cannot be aggregated, redacted, summarized, masked or otherwise protected in a way that allows partial disclosure.

The information in question describes SDG&E's 2005 procurement from unspecified sources in megawatt hours (MWh) and as a percentage of total procurement. SDG&E claims it is entitled to protection because the Matrix accompanying D.06-06-066 covers historical electric purchases.

SDG&E only requests protection through the end of 2006. That year has come and gone, and therefore the information should now be produced. Even if SDG&E had not limited the time period for protection, D.06-06-066 would mandate that SDG&E produce the data publicly since the Matrix only covers historical information for one year. Thus, SDG&E shall now produce the information at issue in its motion.

¹ The "IOU Matrix" sets forth a variety of utility forecast and historical data related to its procurement of energy that the Commission has deemed confidential.

IT IS RULED that:

1. San Diego Gas and Electric Company (SDG&E) shall comply with this ruling by serving the information attached to its October 30, 2006 motion (or a notice of availability) on the service list for this proceeding and the parties on whom it was required to serve the information that is the subject of the motion. SDG&E shall do so within 15 days of this ruling.

2. In all future filings, SDG&E shall include with any request for confidentiality a table that lists the five D.06-06-066 Matrix requirements, and explains how each item of data meets the Matrix. This should make the task of ruling on future motions easier.

Dated May 4, 2007, at San Francisco, California.

/s/ JANET A. ECONOME for
Meg Gottstein
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the Notice of Availability to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the Notice of Availability is current as of today's date.

Dated May 4, 2007, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid